

Amendment
Serial No. 10/024,763

Docket No. US010642

REMARKS

The Office Action dated June 16, 2004 has been reviewed and carefully considered. Claims 1-35 are pending, claims 30-35 having been withdrawn from consideration. Of the currently considered claims, the independent claims are 1, 15, 27 and 28. Reconsideration of the above-identified application is respectfully requested.

The applicant affirms, with traverse, the election of Group I, claims 1-29, pursuant to the restriction requirement by the Examiner.

Claims 1-8, 13-18, 27 and 28 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,208,895 to Sullivan et al. ("Sullivan").

Present claim 1 recites:

A circuit . . . comprising . . . an H-bridge comprising a plurality of switches which control the delivery of the electrical energy from the power source to the patient; and a current control circuit which regulates electrical current supplied to the patient. the current control circuit serially connected with the H-bridge.

Advantageously, a defibrillation/pacing circuit according to the present invention offers a simple, low-weight, low-cost, reliable architecture of small form-factor ([0005]-[0008]).

Item 6 of the Office Action cites lines 34-36 of column 5 for disclosure of the H-bridge of present claim 1. The Office Action therefore apparently suggests that Sullivan H-bridge 14 corresponds to the H-bridge of present claim 1.

Although the Office Action is silent on the subject of a current control circuit "serially" connected with the H-bridge, the Office Action cites to Sullivan FIG. 2

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for disclosure of the current control circuit, and is presumably suggesting that the current control circuit of the present claim 1 corresponds to the Sullivan control circuit 10.

Problematically, however, and as better seen from Sullivan FIG. 4, the Sullivan control circuit 10 is not "serially connected with the H-bridge," language which explicitly appears in claim 1 of the present invention. Nor does Sullivan disclose or suggest a current control circuit in accordance with present claim 1. For at least these reasons, Sullivan fails to anticipate the invention as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Present claim 15 recites, "a current control circuit . . . operable to electrically connect the H-bridge circuit with the second terminal of the storage circuit, to regulate the delivery of the electrical energy to the patient.

Item 6 of the Office Action equates the Sullivan capacitor 24 with the "storage circuit" of present claim 15. The capacitor 24 has a negative terminal coupled to the H-bridge 14 and a positive terminal coupled to one terminal of an inductor 27, whose second terminal is coupled to the H-bridge 14. There does not appear to be in Sullivan any disclosure or suggestion of "a current control circuit . . . operable to electrically connect the H-bridge circuit with the second terminal of the storage circuit, to regulate the delivery of the electrical energy to the patient" which language explicitly appears in present claim 15. For at least this reason, Sullivan fails to anticipate the present invention as recited in claim 15. Reconsideration and withdrawal of the rejection is respectfully requested.

Nor does it appear there is any obvious way of meeting the limitations of present claim 15 based on Sullivan.

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The same language quoted above with respect to claim 15 appears in claims 27 and 28. Accordingly, these latter claims are likewise deemed to be patentable over the cited reference, for at least the same reasons set forth with regard to claim 15. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 9-12, 19, 20 and 22-26 stand rejected under 35 U.S.C. 103(a) as unpatentable over Sullivan.

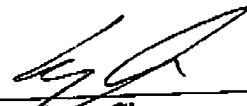
Each of these claims depends from a base claim discussed above, and, as mentioned, Sullivan fails to suggest any of the base claims. Reconsideration and withdrawal of the rejection is respectfully requested.

The other rejected claims each depends from one of the above-discussed base claims, and are therefore believed to be patentable for at least the same reasons, although each warrant further consideration based upon its individual, further merits.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

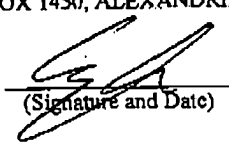
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